



WESTPORT, CONNECTICUT CONSERVATION COMMISSION

TOWN HALL - 110 MYRTLE AVENUE
WESTPORT, CONNECTICUT 06880
(203) 341-1170 • FAX (203) 341-1088

August 8, 2022

State of Connecticut
Connecticut Siting Council
Ten Franklin Square
New Britain, CT 06051

Re: DOCKET No. 510 – New Cingular Wireless PCS, LLC d/b/a ATT&T and Tarpon Towers, II, LLC application for a Certificate of Environmental Compatibility and Public Need for the Construction, Maintenance and Operation of a Telecommunications Facility Located at 92 Greens Farms Road, Westport, Connecticut

Dear Members of the Connecticut Siting Council:

We are in receipt of the three volumes of application submission material presented to the Connecticut Siting Council (CSC) by New Cingular Wireless PCS, LLC and Tarpon Towners II, LLC for its proposal to construct a 124 ft. monopole cell tower at 92 Greens Farms Road, Westport, CT. A similar application for the same property was submitted to the CSC in 2014. Upon review of the documents, we offer the CSC the following comments and questions for your consideration:

Part One of Three, Application Narrative:

1. Page 20 states that the tower would have no significant adverse environmental impact “and/or any such effects are unavoidable in this part of the state to provide reliable service to the public.” What are these “unavoidable impacts?”
2. Page 24 states that the CT Natural Diversity Data Base reports that only the Northern Long-eared bat and Red Knot are species listed as “endangered” according to the U.S. Fish and Wildlife Service. Since there is no feeding or roosting habitat for the Red Knot found within the facility there would be no effect on this species from the tower construction. However, with regard to the Northern Long-eared bat, page 2 of the USFWS letter dated May 19, 2021 says special conditions will be imposed to protect the bat. What are these conditions and how will the CSC ensure these protections are implemented?
3. In addition to page 24, what this volume of information fails to mention is that the following avian species have been identified by CT Audubon members in the immediate area and are listed as either “Threatened” or of “Special Concern.” They include: Bald Eagle and Snowy Egret (Threatened.) Little Blue Heron and Common Loon (Special Concern.) Furthermore, Diamond-backed terrapins are regularly seen in the area.
4. Page 27 states that there will be no significant change in surface features. How is it possible to know that for certain if no detailed site plan has been submitted showing the proposed change

in topography necessary to install the access driveway and construct the tower and its base. The contour elevations shown on the plan seem to indicate that the tower is proposed on or very close to the top of the ridge line on the property.

5. Page 28 states that the tower will not be placed in any important bird area or waterfowl focus area. The subject property is located less than one mile from an estuarine embayment teeming with a multitude of bird species including Bald Eagles and a variety of heron species some of which were mentioned in comment 3.
6. Page 34 mentions underground utility lines but does not show where they would be placed. It also mentions that a noise study would be conducted if the applicant is asked to do so. Given the close proximity to adjacent homes in the neighborhood this seems appropriate.
7. Page 35 says the applicant would be willing to include landscaping. We argue that they SHALL provide landscaping which must consist of native species.
8. Page 40 says that erosion and sediment controls will only be incorporated into the plan if the application is approved. Pursuant to the Inland Wetland and Watercourse Regulations of Westport which follow the Connecticut Inland Wetland and Watercourses Act, provisions for wetland protection are to be incorporated into the plan by the applicant and not up to a commission to impose as a condition. Therefore, similar to comment 5, the plan should be included to show these controls prior to approval by the CSC in order to ensure that the wetlands on site will be adequately protected.
9. Page 45 talks about consultation with federal agencies but only lists the Federal Aviation Administration. What about the Army Corps of Engineers and the U.S. Fish and Wildlife Service? Similarly, the proposal been submitted to the Connecticut Department of Energy and Environmental Protection (CT DEEP) for its review and comment. A review by the Army Corps of Engineers and the CT DEEP should be secured to ascertain their specific jurisdiction and concerns.
10. The driveway, tower and equipment base will be considered as impervious area. The stormwater runoff generated from these features will need to be addressed with proper drainage to be incorporated into the site plan design that would ordinarily be reviewed by our Engineering Department. Westport's Inland Wetland and Watercourse Regulations require that these drainage features, including discharge outlets, cannot be within 20 ft. of the onsite wetlands and watercourses.

Furthermore, in 2014 and 2021 when a proposal to install a tower at this location was initially proposed, the attached Exhibits A & B were prepared for the applicant to respond to. Some, but not all, of these comments has been addressed by the applicant. For example, we now are aware that the tower equipment would be served by natural gas and not diesel so concerns about pollution from any fuel leak may be moot especially if the gas hookup is not possible. Still, we would like if the applicant would respond to the other concerns raised.

Lastly, while not directly related to environmental issues, we offer the following additional comments:

1. Page 23 of Part One of Three, the applicant provides an offer to float a balloon on the day of the hearing and that the tower has no adverse effects on sites listed or eligible to be listed on the National Register of Historic Places with conditions – one of which is that the equipment can be painted to match adjacent materials and installed as “non-visible “ as possible. It is acknowledged that a balloon was floated in March of 2022. Does the CSC membership wish to see the proposed site in real time? Has consideration been given to have the tower blend in with the surrounding environment?

11. Page 32 quotes Section 32-16.3.1 of the Westport Zoning Regulations as stating a tower cannot be within 50 ft of a residential property line. The report says the nearest residential property line is 232 ft. when in fact, the tower is proposed directly on a residential property and is within approximately 100 ft of the house at 92 Greens Farms Road. Therefore, the proposed tower is inconsistent with the Westport Zoning Regulations. Moreover, only 25% of a lot may be occupied with buildings and structures, including driveways, in a Residential AA Zoning District. How will the proposed tower and associated equipment and driveway impact the total coverage requirements for the owners of 92 Greens Farms Road? Will these new appurtenances render the lot non-conforming?

In summary, the environmental concerns associated with the placement of a cell tower on this property include its impact on: water quality; wetlands; watercourses; floodplains; aquifers; estuarine embayments; drainage; and, water quality. If this activity were presented to the Town of Westport Conservation Commission pursuant to the “Inland Wetland and Watercourse Regulations of the Town of Westport” and the “Waterway Protection Line Ordinance” it would not, at face value, be approved without consideration of all that has been listed above and consideration of feasible and prudent alternatives that would cause less or no impact.

This letter has been endorsed by Anna Rycenga, Westport Conservation Wetlands Agency Commission Chairwoman and the Commission.

Thank you for your consideration.

Respectfully Submitted,



Alicia Mozian,
Town of Westport Conservation Director

Cc: Ira Bloom, Westport Town Attorney
Jennifer Tooker, First Selectwoman

Attachments Enclosed: Exhibit A – DRAFT Memo dated 6/12/2014 from Alicia Mozian, Conservation Director to Jim Marpe, former First Selectman

Exhibit B – Letter dated 7/6/2021 from Alicia Mozian, Conservation Director to All Points Technology Corporation

EXHIBIT A –

DRAFT

TO: Jim Marpe, First Selectman
Ira Bloom, Town Attorney
FROM: Alicia Mozian, Conservation Director
DATE: June 12, 2014

RE: Environmental Issues Facing Cell Tower Location at 92 Greens Farms Rd.

Below is a list of environmental concerns I feel need to be analyzed to properly assess the environmental impact from a cell tower at 92 Greens Farms Rd. It is my professional opinion that without each of these questions and concerns being thoroughly addressed the Citing Council cannot fully evaluate whether the tower will have an impact on the health and safety of Westport's citizens and the environmental resources of the state.

1. Where on the site is the cell tower going?
2. How much clearing and regrading will be required to establish access to the location and construction of the base?
3. Where and will the generator be located and fueled? How big will the fuel tank be to service the generator? What provisions are in place in case there is a fuel leak? The adjacent watercourse discharges to an estuarine embayment and then to Long Island Sound.
4. A large culvert is located on-site. Where is the tower relative to this? Will the footings for the tower-base interfere with this?
5. A large area drains from the north on and around this property into the Mill Pond and then into Long Island Sound. Will the tower interfere with the natural drainage patterns and existing drainage pipes in the area?
6. Where is the 100 year floodplain boundary?
7. Where is the 25 year floodplain boundary?
8. Are the wetlands on the property tidal or inland, or both? A soil scientist and a tidal wetland biologist will need to make the determination of each of these resources.
9. In Westport, we have the Waterway Protection Line Ordinance and part of the property contains this jurisdiction. Will the tower encroach into this area? Is the Town prevented from requiring that permits be secured pursuant to this Ordinance?
10. The CT DEEP needs to be contacted for their review of what impact the tower would have on adjacent watercourses and wetlands that are on adjacent state property.
11. Will the state DOT and DEEP authorize work in its right of way where one of the two wetland/watercourse areas appears to be located?
12. Will a state DEEP permit be required since the work could cause an adverse impact to the wetland if not properly protected?
13. Has the Army Corps of Engineers (ACOE) been contacted?

14. Will the culvert need to be replaced? If so, ACOE review and approval is required.
15. Will fill be placed in the waterway?
16. Greens Farms Rd and Hillspoint Rd are major evacuation routes in the event of a dangerous storm event. It appears that the tower could fall across one or both of these roads and I-95.
17. Will the tower withstand Category 1, 2 and 3 hurricane force winds? Tropical storms Irene and Sandy caused quite a bit of tree damage in Westport. The same is true with nor'easters. If such damage can be caused by these storms what will a hurricane do? Hurricane Gloria was the last hurricane we have had in the state and that was a Category 1. No cell tower in Connecticut has been tested for its ability to withstand hurricane winds. Hurricane Gloria occurred in 1985 and no towers were present then.
18. Is the tower designed to withstand ice-storms? Will it collapse within itself or fall over into one of the major surrounding thoroughfares?
19. The property is located in close proximity to an estuary where a multitude of shorebirds nest. Also, Westport is on the migratory bird corridor of New England. The impact the tower will have on flight paths is a concern.
20. The property is directly adjacent to a fine-grained stratified drift aquifer. What impact will the tower have on that? Leakage of the fuel used to service the generator into this aquifer would cause severe environmental damage.
21. Is the property or any of the surrounding properties served by a drinking water well(s)? Will the tower interfere with that? Should a fuel leak occur will people's drinking water wells be polluted?
22. Will the fuel tank be in the flood zone?
23. Is the property served by a septic system? Will the tower interfere with that or occupy an area for future septic location should the existing system fail?
24. What provisions are in place to protect ancient archaeological remnants? We know that the area around the Mill Pond was used by Native Americans and is well documented. A full archaeological review must be done. This is a separate issue from whether there are any historic structures in the area.
25. The Connecticut Inland Wetlands and Watercourses Act hereafter referred to as "The Act" allows protection of wetlands and watercourses outside the area for which an activity is proposed if said activity would cause an impact to those resources. In this case a watercourse and associated wetland is directly adjacent to the property. The Act also requires a determination of whether an activity will cause a significant impact to a wetland or watercourse. Who will make that determination here? Certainly without the answers to these questions no one can make any determination.
26. The Act also requires that feasible and prudent alternatives be considered which in this case could include consideration of an alternative location(s) where so many natural resources would not be impacted.

In summary, the environmental concerns associated with the placement of a cell tower on this property include its impact on: wetlands; watercourses; floodplains; aquifers; estuarine embayments; drainage; wildlife; water quality; disturbance of archaeological artifacts; and, a

potential interference with the town's emergency operations plan in times of disaster. If this activity were presented to the Conservation Commission pursuant to the "Inland Wetland and Watercourse Regulations of the Town of Westport" and the "Waterway Protection Line Ordinance" it would not, at face value, be approved without consideration of all that has been listed above and consideration of feasible and prudent alternatives that would cause less or no impact.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Alicia Mozian".

Alicia Mozian
Conservation Director
Town of Westport

EXHIBIT B

July 6, 2021

All-Points Technology Corporation
c/o Jennifer Young Gaudet
567 Vauxhall St. Ext, Suite 311
Waterford, CT 06285

Re: Tarpon Towers II, Wireless Communications Facility, 92 Greens Farms Rd., Westport, CT

Dear Ms. Gaudet:

In response to your request for public comment, the following list of environmental concerns have been compiled which the Town of Westport Conservation Department feels needs to be analyzed to properly assess the environmental impact from a cell tower at 92 Greens Farms Rd. These issues were compiled without close observation of the site but from information collected through reviewing maps and my own knowledge of the area. The site contains several areas of environmental interest. It contains steep slopes and is surrounded on two sides by watercourses. It also contains floodplain and is directly adjacent to an aquifer. It is my professional opinion that without each of these concerns being thoroughly addressed, the Siting Council cannot fully evaluate whether the tower will have an impact on the health and safety of Westport's citizens and the environmental resources of the state.

Areas of Concern:

A. Water Quality:

27. The property is directly adjacent to a fine-grained stratified drift aquifer. Leakage of the fuel used to service the generator into this aquifer would cause severe environmental damage.
28. If any of the surrounding properties are serviced by a drinking water well(s), consideration must be given to how a fuel leak would impact people's drinking water wells and the surrounding aquifer.
29. The watercourse directly adjacent to the site discharges to an estuarine embayment and then to Long Island Sound. This estuarine embayment is home to commercial shellfish beds and a multitude of shorebirds and other wildlife. Where will the generator be located and how will it be fueled? How big will the fuel tank be to service the generator? What provisions are in place in case there is a fuel leak?

B. Impact to Wetlands:

Wetlands and watercourses are located on and directly adjacent to the site.

1. Are the wetlands on the property tidal or inland, or both? A soil scientist and a tidal wetland biologist will need to make the determination of each of these resources.
2. The CT DEEP needs to be contacted for their review of what impact the tower would have on adjacent watercourses and wetlands that are on adjacent state property.
3. Will the state DOT and DEEP authorize work in its right-of-way where one of the two wetland/watercourse areas appears to be located?
4. Will a state DEEP permit be required since the work could cause an adverse impact to the wetland if not properly protected?
5. Has the Army Corps of Engineers (ACOE) been contacted? Filling of a watercourse or wetland or changes to the on-site large culvert may need their review.
6. The Connecticut Inland Wetlands and Watercourses Act (hereafter referred to as "The Act") allows protection of wetlands and watercourses outside the area for which an activity is proposed if said activity would cause an impact to those resources. In this case, a watercourse and associated wetland is directly adjacent to the property. Because of the steep nature of the presumed location of the cell tower, a significant amount of regrading will need to be done to accommodate the access road to the tower and to construct the base of the tower and associated appurtenances. This work will be directly adjacent to a watercourse and floodplain. The Act also requires a determination of whether an activity will cause a significant impact to a wetland or watercourse. Who will make that determination here? Certainly without the answers to these questions no one can make any determination.
7. The Act also requires that feasible and prudent alternatives be considered which in this case could include consideration of an alternative location(s) where so many natural resources would not be impacted.

C. Waterway Protection Line Ordinance and Flooding Concerns

1. Section 30-80 through 30-97 of the Town Code (formerly Chapter 148) is the Waterway Protection Line Ordinance. This is a local ordinance that has been in place since 1980 and is based upon an authorizing statute. Its purpose is to protect all waterways of the Town from activities that would cause hazards to life and property and or activities having an adverse impact upon the flood carrying and water storage capacity of the waterway and floodplains and the natural resources and ecosystems of the Town. Both watercourses on and adjacent to this property are regulated pursuant to this Ordinance. Will the tower encroach into this area? Is the Town prevented from requiring that permits be secured pursuant to this Ordinance?
2. Information that will need to be identified includes the location of the 25-year and 100-year flood boundaries.
3. A large culvert is located on-site. Where is the tower relative to this? Will the footings for the tower-base interfere with this? Will the culvert need to be replaced? If so, ACOE review and approval is required.

4. A large area drains from the north onto and around this property into the Sherwood Mill Pond and then into Long Island Sound. Will the tower interfere with the natural drainage patterns and existing drainage pipes in the area?
5. Will fill be placed in the waterway?
6. Will the fuel tank be in the flood zone?

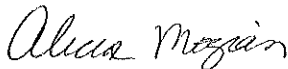
D. Septic Issues

1. According to the Assessor's records the property is served by a septic system. Will the tower interfere with that or occupy an area for future septic location should the existing system fail?

In summary, the environmental concerns associated with the placement of a cell tower on this property include its impact on: water quality; wetlands; watercourses; floodplains; aquifers; estuarine embayments; drainage; and, water quality. If this activity were presented to the Conservation Commission pursuant to the "Inland Wetland and Watercourse Regulations of the Town of Westport" and the "Waterway Protection Line Ordinance" it would not, at face value, be approved without consideration of all that has been listed above and consideration of feasible and prudent alternatives that would cause less or no impact.

Furthermore, a review by the Army Corps of Engineers and the Connecticut Department of Energy and Environmental Protection should be secured to ascertain their specific jurisdiction and concerns.

Respectfully Submitted,



Alicia Mozian
Conservation Director
Town of Westport